

12-5-2006

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION**

IN THE MATTER OF:	:	CASE NUMBER
	:	
ARNOLD EGER,	:	05-12074-WHD
	:	
	:	IN PROCEEDINGS UNDER
	:	CHAPTER 7 OF THE
DEBTOR.	:	BANKRUPTCY CODE

ORDER

Before the Court is the Debtor's Motion to Reopen Chapter 7 Case. The Debtor seeks such relief for the purpose of filing a reaffirmation agreement. This Court has jurisdiction of the subject matter pursuant to 28 U.S.C. §§ 1334 and 157(a), and this is a core proceeding in accordance with 28 U.S.C. § 157(b)(2)(A).

The Debtor filed a voluntary petition under Chapter 7 of the Code on June 21, 2005. On November 21, 2005, the Court granted the Debtor's discharge and closed the case. The Debtor filed the instant Motion on November 28, 2006.


The Court will not reopen a Chapter 7 case for the purpose of filing a reaffirmation agreement if that agreement would not be enforceable. Section 524 of the Code requires that a reaffirmation agreement be "made" prior to the entry of the discharge. *See* 11 U.S.C. § 524(c) (reaffirmation agreement is enforceable only if it is made before the granting of the discharge and has been filed with the court). The Motion does not indicate that the Debtor signed a reaffirmation agreement or that the Debtor and

the creditor reached an oral agreement that the Debtor would retain the creditor's collateral and reaffirm the debt prior to the entry of the discharge.

Because the Court cannot determine from the Motion whether a reaffirmation agreement was "made" prior to the entry of the Debtor's discharge, the Court concludes that the Motion should be, and hereby is, **DENIED**.

IT IS SO ORDERED.

At Newnan, Georgia, this 5 day of December, 2006.

A handwritten signature in black ink, appearing to read "W. H. Drake, Jr.", written over a horizontal line.

W. HOMER DRAKE, JR.
UNITED STATES BANKRUPTCY JUDGE